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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,275	09/29/2003	Ramona Rae Fechter	28082.119	8370
7590 Paul F. Wille 2225 West Chandler Boulevard Chandler, AZ 85224			EXAMINER QUARTERMAN, KEVIN J	
			ART UNIT 2879	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/674,275	FECHTER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kevin Quarterman	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 November 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 10-16, 20 and 21 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 and 17-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment and remarks received 07 November 2006 have been entered and overcome the objection to the drawings and the rejections under 35 USC § 112 recited in the previous office action mailed 11 July 2006.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Burrows (US 6,271,631).

4. Regarding independent claim 1, Figure 7 of Burrows shows an article having an electroluminescent panel (701A thru 701D) as a first surface of the article and Figure 2 of Burrows shows the electroluminescent panel comprising a transparent first layer (114); a first conductive layer (112) overlying the first layer; a second conductive layer (106); a dielectric layer (110) and a phosphor layer (108) between the first conductive layer and the second conductive layer; a protective layer (104) overlying the second conductive layer; and a removable release layer (102) overlying the protective layer to support the other layers.

5. Regarding claim 2, Burrows discloses the panel emitting light outwardly from the first surface (col. 11, ln. 22-40).

6. Regarding claim 3, Burrows discloses the panel emitting light into the article (col. 11, ln. 22-40).
7. Regarding claim 4, Burrows discloses the first surface being three-dimensional (col. 11, ln. 19-21).
8. Regarding claim 5, Burrows discloses the transparent first layer and the protective layer being polyurethane (col. 6, ln. 42-46).
9. Regarding claim 6, Figure 2 of Burrows shows a hard coating layer (116) underlying the transparent first layer.
10. Regarding claim 7, Figure 2 of Burrows shows a UV curable resin (116) underlying the transparent first layer.
11. Regarding claim 8, Burrows discloses a graphics layer underlying the first transparent layer (col. 4, ln. 13-15).
12. Regarding claim 9, Burrows discloses a graphics layer adjacent a second surface of the article (col. 4, ln. 13-15).
13. Regarding independent claim 17, Figure 7 of Burrows shows an instrument cluster having at least one electroluminescent lamp (701A-D) as a first surface of the cluster and Figure 2 of Burrows shows the lamp comprising a transparent first layer (114); a first conductive layer (112) overlying the first layer; a second conductive layer (106); a dielectric layer (110) and a phosphor layer (108) between the first conductive layer and the second conductive layer; a protective layer (104) overlying the second conductive layer; and a removable release layer (102) overlying the protective layer to support the other layers.

14. Regarding claim 18, Figure 7 of Burrows also shows a plurality of electroluminescent lamps, wherein at least some of the lamps include a graphics layer (col. 4, ln. 13-15).

15. Regarding independent claim 19, Figure 7 of Burrows shows a cellular telephone having an electroluminescent panel (701A-D) as a first surface of the telephone and Figure 2 of Burrows shows the panel comprising a transparent first layer (114); a first conductive layer (112) overlying the first layer; a second conductive layer (106); a dielectric layer (110) and a phosphor layer (108) between the first conductive layer and the second conductive layer; a protective layer (104) overlying the second conductive layer; and a removable release layer (102) overlying the protective layer to support the other layers.

#### ***Response to Arguments***

16. Applicant's arguments received 07 November 2006 have been fully considered but they are not persuasive.

17. In response to applicant's argument that Burrows does not use the words "injection" or "mold" in the disclosure, the Examiner notes that the patentability of a product does not depend on its method of production (MPEP § 2113). The Examiner also notes that the preamble of independent claim 1 merely states the purpose or intended use of the invention. The preamble does not add any structural limitation to the claimed invention (See also, MPEP § 2111.02). Thus, the Examiner holds that the claimed recitation of the article being "injection molded" has not been given any

patentable weight, and Burrows teaches each limitation of the claimed invention, as discussed earlier.

***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571) 272-2461. The examiner can normally be reached on M-TH (7-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Quarterman  
Examiner  
Art Unit 2879

kq   
22 December 2006



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